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**IN THE
COURT OF APPEALS OF INDIANA**

LESLIE P. MCGUIRE,

Appellant-Defendant,

VS.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 45A05-0704-CR-225

APPEAL FROM THE LAKE SUPERIOR COURT
The Honorable Diane Ross Boswell, Judge
The Honorable Thomas Stefaniak, Jr., Judge
Cause No. 45G03-0511-MR-11

December 28, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

BARNES, Judge

Case Summary

Leslie McGuire appeals his murder conviction. We affirm.

Issue

McGuire raises one issue, which we restate as whether there is sufficient evidence to support his murder conviction.

Facts

On November 5, 2005, JoAnn Harris was stabbed on a sidewalk in East Chicago. Shortly after the stabbing, Harris died. On November 9, 2005, the State charged McGuire with Harris's murder. A jury found McGuire guilty as charged. McGuire now appeals.

Analysis

McGuire argues that there is insufficient evidence to support his murder conviction. When reviewing the sufficiency of the evidence we must consider only the probative evidence and reasonable inferences supporting the verdict. Drane v. State, 867 N.E.2d 144, 146 (Ind. 2007). “It is the fact-finder’s role, not that of appellate courts, to assess witness credibility and weigh the evidence to determine whether it is sufficient to support a conviction.” Id. When confronted with conflicting evidence, we must consider it “most favorably to the trial court’s ruling.” Id. (citation omitted). We must affirm the conviction unless “no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt.” Id. (citation omitted). The evidence need not overcome every reasonable hypothesis of innocence and is sufficient if an inference may reasonably be drawn from it to support the verdict. Id. at 147.

McGuire argues that the evidence is insufficient to support the murder conviction because there is no forensic evidence linking him to the stabbing and because the witnesses' trial testimony was conflicting. Despite these claims, there is sufficient evidence to support the conviction.

The evidence shows that Harris died from a stab wound to the chest. One witness testified that she saw Harris and McGuire together near where Harris was stabbed shortly before the stabbing. Another witness testified that as he was driving to a restaurant, he saw two people fighting, one person fell to the ground, and the other person walked away "pretty fast." Tr. p. 61. This witness called 911 and reported the incident to police. Another witness's statement indicated that he saw Harris and McGuire arguing in the vicinity in which Harris was killed shortly before the stabbing. Yet another witness saw Harris and McGuire in the truck McGuire was driving in the vicinity of the stabbing shortly before the stabbing occurred. This same witness testified that Harris and McGuire were "having words" and that he had previously seen a "small kitchen knife" in McGuire's truck. Tr. pp. 454, 457. Finally, another witness testified that Harris and McGuire were arguing and that he saw McGuire stab Harris with a knife.

Although the trial testimony is fraught with inconsistent statements from various witnesses, it was for the jury to assess witness credibility. We may not reweigh the evidence on appeal. McGuire's argument is a request for us to reweigh the evidence, a request we must decline. There is sufficient evidence to support his murder conviction.

Conclusion

There is sufficient evidence to support McGuire's murder conviction. We affirm.

Affirmed.

SHARPNACK, J., and VAIDIK, J., concur.